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10/660,938	09/12/2003	Manish Marwah	4366-121	7028

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2454

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/660,938	Applicant(s) MARWAH, MANISH	
	Examiner DUSTIN NGUYEN	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-15, 17, 18, and 20-23 are presented for examination.

Response to Arguments

In view of the Appeal Brief filed on 04/06/2009, PROSECUTION IS HEREBY REOPENED. A new non-final Office Action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Specification

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2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "computer-readable medium" is not defined.

Claim Objections

3. Claims 9-14 and 23 are objected to because of the following informalities:

I. As per claim 9-14, "The system" should be corrected as "The communication system".

II. As per claim 23, "The communication system" should be corrected as "The communication system endpoint".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11, 14, 15, 17, 18 and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Furuno [US Patent Application No 2003/0167343].

6. As per claim 1, Furuno discloses the invention as claimed including a method for re-establishing an IP protocol call signaling channel [i.e. switch over to the alternate gatekeeper when the primary gatekeeper becomes unresponsive] [Figure 4; and paragraphs 0007 and 0036], comprising:

establishing a first call signaling channel between a first communication endpoint and a first gatekeeper, wherein said first call signaling channel provides a first set of call signaling feature with respect to a first bearer channel [i.e. register endpoint with first gatekeeper] [S2a, Figure 4; and paragraphs 0006, 0007, 0044, 0051, and 0066];

in response to losing said established first call signaling channel, sending a keep alive message to a second gatekeeper [i.e. the endpoint finds the primary gatekeeper unresponsive, the endpoint registers itself with a second alternate gatekeeper] [Figure 8; and paragraphs 0067-0069]; and

in response to receiving a registration confirmation message from said second gatekeeper in reply to said keep alive message, establishing a second call signaling channel with said second gatekeeper [i.e. transfer or switch over to the alternate or backup gatekeeper] [Abstract; and paragraphs 0011, 0013, 0036 and 0073], wherein said second call signaling channel provides said second set of signaling features with respect to said first bearer channel and effectively re-establishes said first call signaling channel [i.e. the endpoint can immediately turn to the alternate gatekeeper to receive the service without any interruption] [Abstract; and paragraphs 0055, 0110 and 0111].

7. As per claim 2, Furuno discloses wherein said keep alive message comprises a lightweight registration request [i.e. RRQ] [Figures 4-6; and paragraphs 0056 and 0057].

8. As per claim 3, Furuno discloses wherein said step of sending a keep alive message to a second gatekeeper in response to losing said established first call signaling channel comprises sending a keep alive message to a plurality of alternate gatekeepers, and wherein said step of establishing a second call signaling channel comprises establishing a call signaling channel with a one of said alternate gatekeepers [i.e. endpoint sends its client address information to only one of the gatekeepers] [Figure 8; and paragraphs 0061-0069].

9. As per claim 4, Furuno discloses in response to receiving no registration confirmation message from said second gatekeeper within a first time period, re-registering with a gatekeeper [paragraph 0062].

10. As per claim 5, Furuno discloses establishing a bearer channel between said first communication endpoint and a second communication endpoint, wherein said call signaling channel carries data related to at least one of control of and features associated with data transferred between said first and second communication endpoints by said bearer channel [paragraphs 0006, 0007, 0040 and 0042].

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11. As per claim 6, Furuno discloses wherein said first communication endpoint comprises a telephony device [paragraph 0035].

12. As per claim 7, Furuno discloses wherein said Call signaling channel is established according to an ITU-T H.323 protocol [paragraphs 0004, 0005 and 0035].

13. As per claim 8, Furuno discloses the invention as claimed including a communication system, comprising:

- a first communication endpoint, operable to at least one of receive data from and provide data to an Internet protocol network [i.e. client endpoints] [30-1, 30-n, Figure 1];

- a first gatekeeper, operable to control aspects of operation of a communication endpoint in communication with said first gatekeeper [i.e. primary gatekeeper] [10, Figure 1; and Figure 2];

- a first communication link between said first communication endpoint and said first gatekeeper, wherein said first communication link provides a first call signaling channel in support of a first realtime communication [S3, Figure 4; S14, Figure 8; and paragraphs 0053 and 0066];

- a second gatekeeper, operable to control aspects of operation of a communication endpoint in communication with said second gatekeeper [i.e. alternate gatekeeper] [Figures 4 and 8]; and

- a second communication link between said first communication endpoint and said second communication gatekeeper, wherein said second communication link is established after said

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first communication link is lost and after an exchange of a lightweight RRQ message and an RCF message between said first communication endpoint and said second communication gatekeeper [i.e. the endpoint finds the primary gatekeeper unresponsive, the endpoint registers itself with a second alternate gatekeeper] [S16, Figure 8; and paragraphs 0067-0069], wherein said second communication link provides a second call signaling channel that replaces said first call signaling channel [i.e. transfer or switch over to the alternate or backup gatekeeper] [Abstract; and paragraphs 0011, 0013, 0036 and 0073], wherein said first real time communication formerly supported by said first call signaling channel is supported by said second call signaling channel after said first communication link is lost [i.e. the endpoint can immediately turn to the alternate gatekeeper to receive the service without any interruption] [Abstract; and paragraphs 0055, 0110 and 0111].

14. As per claim 9, Furuno discloses a second communication endpoint; and a third communication link, wherein said third communication link is established between said first and second communication endpoints [i.e. establish connection between source and destination] [paragraphs 0006 and 0007].

15. As per claim 10, it is rejected for similar reasons as stated above in claim 6.

16. As per claim 11, Furuno discloses wherein said telephony device comprises at least one of an IP telephone, a soft telephone, a videophone, and a soft videophone [paragraphs 0035 and 0110].

17. As per claim 14, Furuno discloses wherein said first communication endpoint comprises memory operable to store an address of said second communication gatekeeper [30, Figure 1; and paragraphs 0036 and 0047].

18. As per claim 15, Furuno discloses the invention as claimed including a computer-readable medium encoded with a computer program for performing a method, the method comprising:

registering an endpoint with a first gateway, wherein a first signaling link that supports a first bearer channel comprising a realtime communication is established between said endpoint and said first gateway [i.e. RRQ message] [S2, S3, Figure 4; S14, Figure 8; and paragraphs 0053 and 0066];

in response to a loss of said first signaling link, sending a lightweight registration request (RRQ) message to a second gateway [i.e. the endpoint finds the primary gatekeeper unresponsive, the endpoint registers itself with a second alternate gatekeeper] [S16, Figure 8; and paragraphs 0067-0069]; and

in response to receiving a registration confirmation message from said second gateway, establishing a second signaling link between said endpoint and said second gateway [i.e. transfer or switch over to the alternate or backup gatekeeper] [Abstract; and paragraphs 0011, 0013, 0036 and 0073], wherein said second signaling link supports said first bearer channel comprising a realtime communication [i.e. the endpoint can immediately turn to the alternate

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gatekeeper to receive the service without any interruption] [Abstract; and paragraphs 0055, 0110 and 0111].

19. As per claim 17, Furuno discloses in response to receiving a registration rejection message, sending a lightweight RRQ message to a third gateway [Figure 8; and paragraphs 0061, 0062 and 0070].

20. As per claim 18, Furuno discloses sending a lightweight RRQ message to a third gateway [Figure 8].

21. As per claim 20, Furuno discloses wherein said computational component comprises a logic circuit [Figures 1-3].

22. As per claim 21, Furuno discloses the invention as claimed including a communication system endpoint [30, Figure 1], comprising:

means for communicating with a first means for controlling aspects of an exchange of data between said communication system endpoint and a second communication system endpoint, wherein a first call signaling channel in support of a first realtime communication over a first bearer channel is established [i.e. endpoint begins voice communication with remote system] [33, Figure 1; and paragraph 0036];

means for generating a lightweight RRQ message in response to a loss of a communication link between said means for communicating and said first means for controlling

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aspects of an exchange of data between said communication system endpoint [i.e. registration unit for sending registration information to alternate gatekeeper] [32, Figure 1; and paragraphs 0036 and 0051]; and

means for interconnecting said at least a first communication endpoint means and said first means for controlling aspects of an exchange of data between said communication system endpoint [i.e. endpoint connects to first gatekeeper] [S3, Figure 4; S14, Figure 8; and paragraphs 0053 and 0066].

23. As per claim 22, Furuno discloses means for storing a list of alternate means for controlling aspects of an exchange of data between said communication system endpoint and a second communication system endpoint, wherein said means for generating a lightweight RRQ message addresses said lightweight RRQ message to a start of said alternate means for controlling, wherein a second call signaling channel in support of said first realtime communication over a first bearer channel is established [i.e. endpoints communicates with alternate gatekeepers using RRQ] [S2b, Figure 4; S13, S16, Figure 8; and paragraphs 0052, 0065 and 0068].

24. As per claim 23, Furuno discloses means for storing a list of alternate means for controlling aspects of an exchange of data between said communication system endpoint and a second communication system endpoint, wherein said means for generating a lightweight RRQ message addresses a lightweight RRQ message to a plurality of said alternate means for controlling [Figures 4 and 12; and paragraphs 0047-0053 and 0083-0090].

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuno [US Patent Application No 2003/0167343], in view of Agrawal et al. [US Patent No 6,628,943].

27. As per claim 12, Furuno does not specifically disclose wherein said first communication endpoint comprises a gateway. Agrawal discloses wherein said first communication endpoint comprises a gateway [110, Figure 1; and col 4, lines 47-col 5, lines 39]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Furuno and Agrawal because the teaching of gateway in Agrawal would enable to provide for real-time, two-way communications between H.323 terminals on the packet-based network, other terminals on a switched circuit network and other H.323 gateways [Agrawal, col 5, lines 2-6].

28. As per claim 13, Agrawal discloses wherein said first communication endpoint comprises

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a first gateway and at least a first telephony device interconnected to said gateway [col 5, lines 1-39].

29. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DUSTIN NGUYEN/
Primary Examiner, Art Unit 2454

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454